



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 30, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 005-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 11, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Meg Fernekees, DLCD Regional Representative
Gary Fish, DLCD Regional Representative
Nadine Smith, Washington County

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FORM

2 DLCD Notice of Adoption

in person electronic mailed

DATE
STAMP

DEPT OF

JUN 23 2008

LAND CONSERVATION
AND DEVELOPMENT

THIS FORM **MUST BE MAILED** TO DLCD WITHIN
5 WORKING DAYS AFTER THE FIRST FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660, DIVISION 18

Jurisdiction: **Washington County**

Local file number: **Ord. 698**

Date First Evidentiary Hearing: **6/17/2008**

Date of Final Hearing: **6/17/2008**

Date Notice of Adoption form (Form #2) was sent to DLCD: **6/20/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **4/4/2008**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):
Code enforcement amendments to the Development Code to remove penalties, establish Voluntary Compliance procedures and cross reference to the Code Compliance section of the County Code.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan map changed from: **n/a**

to: **n/a**

Zone map changed from: **n/a**

to: **n/a**

Location: **Countywide**

Specify density:

Previous: **n/a**

New density: **n/a**

Acres involved: **0**

Mark applicable statewide planning goals:

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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment 45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No.

005-08 (16817)

Please list affected state or federal agencies, local governments or special districts: Washington County

Local Contact: **Nadine Smith**
E-mail: **Nadine_Smith@co.washington.or.us**
Phone: **(503) 846-3832**

Address: **155 N. First Ave., Suite 350-14**
City: **Hillsboro** Zip: **97124**
Fax: **(503) 846-4412**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

<http://www.lcd.state.or.us/LCD/forms.shtml>

Updated November 27, 2006

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AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (All CPOs)

Agenda Title: ADOPT FINDINGS FOR ORDINANCE 698

Presented by: Mark Brown, Land Development Services Manager

SUMMARY:

Ordinance No. 698 proposes to replace Section 215 (Enforcement) of the Washington County Community Development Code (CDC) in its entirety. The new section will provide the requirements for voluntary compliance agreements and references to future revisions to the County Code that will enable a civil infractions process.

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals) must be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan. Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan, any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the Functional Plan.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 698. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for Ordinance No. 698 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

172-602030 **RO08-75**

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|-----------------|--------------|
| Agenda Item No. | 10.c. |
| Date: | 06/17/08 |

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IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of Ordinance No. 698) No. 08-75

This matter having come before the Washington County Board of Commissioners at its meeting of June 17, 2008; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 698; and

It appearing to the Board that the findings attached as Exhibit "A" constitute appropriate legislative findings with respect to the adopted ordinance; and

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on May 21, 2008, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance No. 698 are hereby adopted.

DATED this 17th day of June, 2008.

| | | | |
|----------|-------------------------------------|--------------------------|-------------------------------------|
| | AYE | NAY | ABSENT |
| BRIAN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SCHOUTEN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| STRADER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ROGERS | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| DUYCK | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

APPROVED AS TO FORM: _____

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Tom Brun
Chairman

Mavis Jarkin
Recording Secretary

[Signature]
County Counsel
For Washington County, Oregon

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 698 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO CODE ENFORCEMENT

JUNE 17, 2008

GENERAL FINDINGS

Ordinance No. 698 replaces Section 215 (Enforcement) of the Washington County Community Development Code (CDC) in its entirety. The new section will provide the requirements for voluntary compliance agreements and references to future revisions to the County Code that will enable a civil infractions process.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Board of County Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related OARs are not addressed because these resources are not located within Washington County.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 698 is consistent with Statewide Planning Goals, ORS and OAR requirements, Metros' Urban Growth Management Functional Plan, and the Washington County Comprehensive Plan.

Goal 1 - Citizen Involvement

CONCLUSION

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of this ordinance. Plan compliance with Goal 1 is

maintained by implementing these citizen involvement options. This conclusion is supported by the following facts:

FACTS

1. Washington County's Citizen Participation Policy is outlined in Resolution and Order 86-58 and in Chapter X of the Washington County Charter.
2. Resolution and Order 86-58 endorses a variety of citizen involvement mechanisms. These include public hearings, town hall meetings, open houses, advisory committees, the Committee for Citizen Involvement (CCI) and Citizen Participation Organizations (CPOs).
3. Ordinance 698 has been adopted in compliance with the acknowledged Citizen Participations Policies of the County outline in R & O 86-58 and in Chapter X of the Charter. Citizen participation efforts include conducting public hearings before the Planning Commission and the Board of County Commissioners, providing for CPO involvement as well as general public participation in the process via public notifications.
4. The Planning Commission held a public hearing on May 21, 2008 that resulted in a recommendation for approval of Ordinance 698 to the Board of Commissioners.
5. The Board of Commissioners held public hearings on Ordinance 698 on June 17, 2008 and on Ordinance 698 consistent with Chapter X of the Washington County Charter.
6. Proposed Ordinance No. 698 and an accompanying summary were mailed on April 16 2008 to the CPOs and CCI. Also on May 7, 2008, notice of the ordinance was mailed to special service districts and cities in Washington County and other interested parties. Additionally, notice of the proposed ordinance and copies of the ordinance were mailed to Department of Land Conservation and Development (DLCD) on April 4, 2008.
7. A copy of the proposed ordinance was made available for review at the Cedar Mill Library and the Tigard Public Library. Copies of the ordinance were also available for review in the office of the Department of Land Use and Transportation and on the county's website.
8. Chapter X of the County Charter requires that a display ad be published in local newspapers at least 14 days prior to the first hearing. Display ads for Ordinance No. 698 were published in the following newspapers: the Washington County Weekly section of *The Oregonian* on May 1, 2008 and *The Hillsboro Argus* on May 2, 2008.
9. Chapter X of the County Charter requires that individual notice for the initial public hearings on the ordinance be mailed at least 14 days prior to the first hearing to those persons who have requested them in writing and paid a fee. Notice for Ordinance No. 698 was mailed to the 467 persons that requested such notice on May 7, 2008.

Goal 2, Land Use Planning

CONCLUSION

Statewide Planning Goal 2 addresses Land Use Planning. Goal 2 requires an adequate factual base to support a decision and coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community Development Code. Washington County utilized this process to adopt this ordinance.

The amendments that were made to the Community Development Code by this Ordinance are consistent with the parameters set forth in the acknowledged Comprehensive Framework Plan for the Urban Area - Policy 1, Implementing Strategy (d); and the Rural/Natural Resource Plan - Policy 1, Implementing Strategy (d). Plan compliance with Goal 2 is maintained by implementing these two strategies. This conclusion is supported by the following facts:

FACTS

1. The acknowledged Comprehensive Framework Plan for the Urban Area and Rural/Natural Resource Plan both require that legislative Plan and Code amendments be adopted by ordinance in accordance with the procedures specified in the Washington County Charter and State Law.
2. Chapter X, Section 100(d) of the County Charter defines “land use ordinances” to include any ordinance that amends a comprehensive plan. Ordinance No. 698 amends the county’s Comprehensive Framework Plan and the Community Development Code, which are elements of the county’s Comprehensive Plan. It is therefore a legislative land use ordinance in accordance with the definitions in Chapter X of the County Charter.
3. Chapter X of the Washington County Charter requires that initial notice of public hearings be prepared by the Land Use Ordinance Advisory Commission. The Commission met April 24, 2008 to draft a notice for Ordinance No. 698. The Charter also requires that the notice be mailed at least 14 days prior to the initial Planning Commission hearing to those persons who have requested notices in writing and paid a fee. This notice was mailed on May 7, 2008.
4. Chapter X requires that a display ad be published in a newspaper of general circulation 14 days prior to the initial Planning Commission hearing, which was held on May 21, 2008. ORS Chapter 215.060 requires the county to provide 14 days advance public notice prior to the first public hearing. Display ads were published in the following newspapers:

the Washington County Weekly section of *The Oregonian* on May 1, 2008 and *The Hillsboro Argus* on May 2, 2008.

5. ORS 197.610, OAR 660-018-0020 and Senate Bill 543 (effective on June 30, 1999) require that notice of proposed amendments to the county's acknowledged comprehensive plan be forwarded to the Director of the Department of Land Conservation and Development (DLCD) at least 45 days before the first hearing. Notice of Proposed Ordinance No. 698 was mailed to DLCD on April 4, 2008.
6. At its hearing on May 6, 2008, the Board of County Commissioners authorized the 2008 Planning Division and Land Use Ordinance Work Program, which included the carry over of Code Enforcement Civil Infraction from the 2007 Work Program. The amendments proposed in Ordinance 698 begin the process of converting the Code Enforcement process to a Civil Infraction process.

Goal 3 - Agricultural Land

CONCLUSION

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Plan compliance with Goal 3 is maintained with the amendments made by Ordinance No. 698. The amendments are consistent with the county's acknowledged policies and standards for protecting agricultural lands identified under Goal 3. This conclusion is supported by the following facts:

FACTS

The EFU and AF-20 land use districts are Washington County's acknowledged exclusive farm use districts. Ordinance No. 698 did not amend the applicable Plan policies or CDC standards related to agricultural land resources which impact the county's compliance with Goal 3. Therefore, it is not necessary to make specific findings for Goal 3.

Goal 4 - Forest Lands

CONCLUSION

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Amendments made by Ordinance No. 698 are consistent with Goal 4; OAR Chapter 660, Division 06; and the county's acknowledged policies for preservation of forest lands. This conclusion is supported by the following facts:

FACTS

The EFC District is Washington County's acknowledged exclusive forest district. Ordinance No. 698 did not amend the applicable Plan policies or CDC standards related to forest land resources which impact the county's compliance with Goal 4. Therefore, it is not necessary to make specific findings for Goal 4.

Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources

CONCLUSION

Policies 10, 11 and 12 of the Comprehensive Framework Plan for the Urban Area, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan and various sections of the Community Plans and the Community Development Code include provisions for the protection of Goal 5 resources. In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to Post Acknowledgment Plan Amendments (PAPAs) initiated on or after September 1, 1996 when the PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource or if the PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 site.

Plan compliance with Goal 5 is maintained with amendments made by Ordinance No. 698. The amendments are consistent with the county's acknowledged policies and standards for the protection of Goal 5 resources as well as those set forth in OAR 660, Division 23. This conclusion is supported by the following facts:

FACTS

1. Ordinance 698 does not amend any Plan policies or strategies relating to Goal 5.
2. Ordinance 698 does not amend any provisions of the Community Development Code relating to Goal 5. Permitted uses in Goal 5 areas must comply with CDC Article 7 which has been acknowledged to comply with Goal 5. The amendments made by this ordinance do not alter the County's acknowledged Plan requirements and land use regulations relating to Goal 5.
3. Ordinance 698 does not amend any resource list, plan provision or land use regulation that protects significant Goal 5 resources.
4. Ordinance 698 does not allow any new uses in any affected land use district and there will consequently be no new uses that conflict with acknowledged Goal 5 resources.

Goal 6 - Air, Water and Land Resource Quality

CONCLUSION

Policies 4, 5, 6 and 7 in the Comprehensive Framework Plan for the Urban Area and Policies 4, 5, 6, and 7 of the Rural/Natural Resource Plan provide for the maintenance and improvement of the quality of air, water and land resources.

Plan compliance with Goal 6 is maintained with the amendments made by Ordinance No. 698. The amendments are consistent with the county's acknowledged policies and standards for the protection of Goal 6 resources. This conclusion is supported by the following facts:

FACTS

1. The Community Development Code standards related to these resources are contained in Section 379 (Mineral and Aggregate Overlay District), Section 410 (Grading and Drainage), Section 423 (Environmental Performance Standards) and Section 426 (Erosion Control).
2. Ordinance No. 698 amended the Community Development Code to replace Section 215 (Enforcement) in its entirety with a new Section 215 that provides requirements for voluntary compliance agreements and references to future revisions to the County Code that will enable a civil infractions process. Ordinance No. 698 did not amend the applicable Plan policies or CDC standards related to air, water or land resources which impact the county's compliance with Goal 6. Therefore, it is not necessary to make specific findings for Goal 6.

Goal 7 - Natural Disasters and Hazards

CONCLUSION

Policy 8 in the Comprehensive Framework Plan for the Urban Area and Policy 8 in the Rural/Natural Resource Plan set out the county's policy to protect life and property from natural disasters and hazards. Plan compliance with Goal 7 is maintained with the amendments made by Ordinance No. 698. The amendments are consistent with the county's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7. This conclusion is supported by the following facts:

FACTS

1. The Community Development Code standards relating to natural disasters and hazards are contained in Sections 410 (Grading and Drainage) and 421 (Flood Plain and Drainage Hazard Area Development).
2. Ordinance No. 698 amended the Community Development Code to replace Section 215, Enforcement with a new Section 215, Code Compliance. Ordinance No. 698 did not amend the applicable Plan policies and strategies or CDC sections related to flood plain areas, or to natural disasters and hazards. Therefore, it is not necessary to make specific findings for Goal 7.

Goal 8 - Recreation Needs

CONCLUSION

Policies 33 and 34 of the Comprehensive Framework Plan for the Urban Area, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of the citizens of Washington County and visitors. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 698. The amendments are consistent with the county's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8. This conclusion is supported by the following facts:

FACTS

1. The CDC standards related to recreation uses are contained in Sections 405 (Open Space), 430-11 (Amusement Park), 430-25 (Campground), 430-50 and 430-51 (Golf Courses), 430-69 (Hunting and Fishing Preserves), 430-95 (Parks – Type I), 430-97 (Parks – Type II), 430-100 (Private Hunting and Fishing Operations in the EFC District), 430-125 (Shooting Club), 430-131 (Special Recreation Use) and 431-7 (Common Open Space).
2. Ordinance No. 698 amended the Community Development Code to replace Section 215 (Enforcement) with Section 215 (Code Compliance. Ordinance No. 698 did not directly amend any Plan policies or strategies or CDC standards relating to Goal 8. Therefore, it is not necessary to make specific findings for Goal 8.

Goal 9 - Economy of the State

CONCLUSION

Policy 20 in the Comprehensive Framework Plan for the Urban Area and Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set out the county's policies to strengthen the local

economy. The Community Development Code contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 9 is maintained with the amendments made by Ordinance No. 698. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. This conclusion is supported by the following facts:

FACTS

1. Implementing Strategy a. of Policy 20 (Urban Area Economy) of the county's Comprehensive Framework Plan for the Urban Area states in part that, "The County will clarify and streamline the development review process in the Community Development Code." While there are no specific CDC standards directly related to this goal, amendments to the CDC should follow this policy to achieve the economic development goal.
2. Ordinance No. 698 amended the Community Development Code to replace Section 215 (Enforcement) with new Section 215 (Code Compliance). These changes to the Code promote a streamlined code compliance process and therefore are consistent with Goal 9

Goal 10 - Housing

CONCLUSION

Policies 21, 22, 23 and 24 of the Comprehensive Framework Plan for the Urban Area and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The Community Development Code contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 10 is maintained with the amendments made by Ordinance No. 698. The amendments are consistent with the county's acknowledged policies and standards for regulating housing in the urban and rural area as required by Goal 10. This conclusion is supported by the following facts:

FACTS

1. Ordinance No. 698 did not amend any Plan policies or strategies relating to Goal 10. Therefore, it is not necessary to make additional findings for Goal 10.

Goal 11 - Public Facilities and Services

CONCLUSION

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the Comprehensive Framework Plan for the Urban Area and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The Community Development Code requires that adequate public facilities and services be available for new development. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 698. The amendments are consistent with the county's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11. The amendments are also consistent with the provisions of Chapter 660, Division 11 of the Oregon Administrative Rules and Oregon Revised Statute 195.110. This conclusion is supported by the following facts:

FACTS

1. The standards for public facilities and services in the Community Development Code are outlined in Article V (Public Facilities and Services).
2. In 1991, Washington County adopted a public facility plan, consistent with OAR 660, Division 11. Ordinance No. 698 does not amend the Washington County Public Facilities Plan.
3. Ordinance No. 698 amended the Community Development Code to replace Section 215 (Enforcement) with Section 215 (Code Compliance). Ordinance No. 698 did not directly amend any Plan policies or strategies or standards relating to Goal 11. Therefore, it is not necessary to make specific findings for Goal 11.

Goal 12 - Transportation

CONCLUSION

Policy 32 of the Comprehensive Framework Plan for the Urban Area, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County 2020 Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County through the year 2020. Implementing measures are contained in the Transportation Plan and the Community Development Code. Plan compliance with Goal 12 is maintained with the amendments made by Ordinance No. 698. The amendments are consistent with the county's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12) and the Regional Transportation Plan (RTP). This conclusion is supported by the following facts:

FACTS

1. Ordinance No. 698 amended the Community Development Code to replace Section 215 (Enforcement) with Section 215 (Code Compliance).
3. Ordinance No. 698 did not amend the applicable Plan policies related to transportation. Therefore, it is not necessary to make specific findings for Goal 12.

Goal 13 - Energy Conservation

CONCLUSION

Policies 36, 37, 38, 39 and 40 of the Comprehensive Framework Plan for the Urban Area and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The Community Development Code implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV. Plan compliance with Goal 13 is maintained with the amendments made by Ordinance No. 698. The amendments are consistent with the county's acknowledged policies and strategies for promoting energy conservation as required by Goal 13. This conclusion is supported by the following facts:

FACTS

Ordinance No. 698 did not amend the applicable Plan policies or CDC sections related to energy conservation. Therefore, it is not necessary to make specific findings for Goal 13.

Goal 14 - Urbanization

CONCLUSION

Policies 13, 14, 16, 17, 18 and 19 of the Comprehensive Framework Plan for the Urban Area address urbanization within the Regional Urban Growth Boundary. The Community Development Code implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development. Plan compliance with Goal 14 is maintained with the amendments made by Ordinance No. 698. The amendments are consistent with the county's acknowledged policies and strategies for urbanization as required by Goal 14. This conclusion is supported by the following facts:

Exhibit A
Findings -- Ordinance 698
June 17, 2008
Page 11 of 14

FACTS

Ordinance No. 698 did not amend any Plan policies or strategies or CDC standards relating to Goal 14. Therefore, it is not necessary to make specific findings for Goal 14.

**FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH MANAGEMENT
FUNCTIONAL PLAN FOR ORDINANCE NO. 698 (RELATING TO AMENDMENTS
TO SECTION 215 ENFORCEMENT)**

Section 3.07 830.A. of Title 8 of the Urban Growth Management Functional Plan (UGMFP) requires that all comprehensive plan changes submitted after February 19, 1997 "...be consistent with this functional plan." The following findings have been prepared to address Titles 1, 2, 3, 4, 6, 8 and 11 of the Functional Plan.

Title 1 - Requirements for Housing and Employment Accommodations

Functional Plan policies in Title 1 seek ways to increase the capacity within the urban growth boundary, such as changing local zoning to accommodate development at higher densities in locations supportive of the transportation system.

RESPONSE

Ordinance No. 698 replaced Section 215 (Enforcement) with new Section 215 (Code Compliance) in the CDC. Ordinance No. 698 did not amend any Plan policies or development standards related to Title 1 housing and employment targets. Therefore the changes adopted by Ordinance No. 698 are consistent with Title 1 of the UGMFP.

Title 2 - Regional Parking Policy

To meet state TPR requirements to reduce new parking spaces and vehicle miles traveled in the region, Metro requires limits on the minimum and maximum number of parking spaces.

RESPONSE

Ordinance No. 698 replaces Section 215 (Enforcement) with new Section 215 (Code Compliance) in the CDC. The ordinance does not modify any standards relating to minimum and maximum number of parking spaces.

Title 3 - Water Quality, Flood Management and Fish/Wildlife Habitat Conservation

Protect beneficial uses and functional values of water quality and flood management resources by limiting uses in these areas. Establish buffer zones around resource areas to protect from new development.

RESPONSE

Implementation of Title 3 requirements has been completed primarily through the adoption of regulations by Clean Water Services (CWS). CWS is responsible for water quality and flood management within the urban unincorporated areas of Washington County. Ordinance No. 698 does not change any standards relating to water quality or flood plain management. The ordinance does not amend any significant natural resource designations.

Title 4 - Industrial and Other Employment Areas

To improve the region's economic climate, the Plan seeks to protect the supply of sites for employment by limiting incompatible uses within Industrial and Employment Areas.

RESPONSE

Ordinance No. 698 amends the Community Development Code to replace Section 215 (Enforcement) with new Section 215 (Code Compliance). The ordinance does not amend any plan designations that would affect the county's supply of industrial land.

Title 6 - Central City, Regional Centers, Town Centers and Station Communities

Title 6 intends to enhance Centers by encouraging development in these Centers that will improve the critical roles they play in the region and by discouraging development outside Centers that will detract from those roles.

RESPONSE

Ordinance No. 698 replaces Section 215 (Enforcement) with new Section 215 (Code Compliance) in the CDC. The ordinance does not modify any standards relating to the designation of Title 6 Centers.

Title 8 - Compliance Procedures

Title 8 sets forth Metro's procedures for determining compliance with the Urban Growth Management Functional Plan. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to Comprehensive Plans.

RESPONSE

Exhibit A
Findings – Ordinance 698
June 17, 2008
Page 14 of 14

Consistent with Title 8, Metro was sent a copy of Proposed Ordinance No. 698 on April 4, 2008. The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the UGMFP.

Title 11 - Planning For New Urban Areas

Title 11 describes Metro's requirements for converting from rural to urban use of areas brought into the urban growth boundary. Title 11 includes requirements that the development of areas added to the UGB implement the Regional Framework Plan and the 2040 Growth Concept.

RESPONSE

Ordinance No. 698 replaces Section 215 (Enforcement) with new Section 215 (Code Compliance). The ordinance does not modify any standards relating to the planning of new urban areas described in Title 11.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and Public Hearing –
Land Use & Transportation (All CPOs)

Agenda Title: **PROPOSED LAND USE ORDINANCE NO. 698 – AN ORDINANCE
AMENDING THE COMMUNITY DEVELOPMENT CODE
ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO
CODE ENFORCEMENT**

Presented by: Mark Brown, Land Development Services Manager; Chris Gilmore,
Senior Assistant County Counsel

SUMMARY:

Ordinance 698 proposes to replace Section 215 (Enforcement) of the Washington County Community Development Code (CDC) in its entirety. The new section will provide the requirements for voluntary compliance agreements and references to future revisions to the County Code that will enable a civil infractions process.

On May 21, 2008, the Planning Commission conducted a public hearing on the ordinance. One member of the public testified in general about his experience with the existing code enforcement process but had no specific comments on the proposed ordinance.

The Commission approved a motion for Board approval with a 6 – 2 vote.

The staff report will be provided to the Board prior to the June 17th hearing. Copies of the report will also be available at the Clerk's desk prior to the hearing

- Consistent with Board policy about public testimony, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 698 by title only and conduct the public hearing. At the conclusion of the public hearing, adopt Ordinance No. 698.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

172-602030

ADOPTED

| | |
|-----------------|----------|
| Agenda Item No. | 4.c. |
| Date: | 06/17/08 |

FILED

APR 04 2008

Washington County
County Clerk

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 698

An Ordinance Replacing Chapter 215
of the Community Development Code
Element of the Comprehensive Plan
Relating to Code Enforcement with a
new Chapter 215

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, (Board) recognizes that the Community Development Code (CDC) Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677 and 682-686.

B. Subsequent ongoing planning efforts of the County indicate a need for a complete update to Section 215 of the CDC, formerly entitled "Enforcement," to Code Compliance as it more accurately reflects the County's mission. The Board takes note that such changes are necessary for clarification and the benefit of the residents of Washington County, Oregon.

1 C. Under the provisions of Washington County Charter Chapter X, the Land Use
2 Ordinance Advisory Commission has carried out its responsibilities, including preparation of
3 notices, and the County Planning Commission has conducted one or more public hearings on
4 the proposed amendments and has submitted its recommendations to the Board. The Board
5 finds that this Ordinance is based on those recommendations and any modifications made by
6 the Board, as a result of the public hearings process.

7 D. The Board finds and takes public notice that it is in receipt of all matters and
8 information necessary to consider this Ordinance in an adequate manner, and that this
9 Ordinance complies with the Statewide Planning Goals, and the standards for legislative plan
10 adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the
11 Washington County Charter, and the Washington County Community Development Code.

12 SECTION 2

13 Attached and incorporated herein by reference, Exhibit 1 (2 pages), which replaces
14 Community Development Code Section 215 ENFORCEMENT – as last amended by Exhibit
15 5 of Ordinance 669 and by Exhibit 11 of Ordinance 577 – in its entirety with a new Section
16 215 CODE COMPLIANCE, is hereby adopted.

17 SECTION 3

18 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
19 which are not expressly amended or repealed herein, shall remain in full force and effect.

20 SECTION 4

21 All applications received prior to the effective date shall be processed in accordance
22 with ORS 215.427 (2007 Edition).

1 SECTION 5

2 If any portion of this Ordinance, including the exhibit, shall for any reason be held
3 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
4 affected thereby and shall remain in full force and effect, and any provision of a prior land
5 use ordinance amended or repealed by the stricken portion of this Ordinance shall be revived
6 and again be considered in full force and effect.

7 SECTION 6

8 The Office of County Counsel and Department of Land Use and Transportation are
9 authorized to prepare planning documents to reflect the changes adopted under Section 2 of
10 this Ordinance, including deleting and adding textual material and maps, renumbering pages
11 or sections, and making any technical changes not affecting the substance of these
12 amendments as necessary to conform to the Washington County Comprehensive Plan format.

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SECTION 7

This Ordinance shall take effect on September 4, 2008.

ENACTED this 17 day of June, 2008, being the 1st reading
and 1st public hearing before the Board of County Commissioners of Washington
County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ADOPTED

Tom Buon
CHAIRMAN

Marian Larkin
RECORDING SECRETARY

READING

PUBLIC HEARING

| | | |
|--------|----------------------|----------------------|
| First | <u>June 17, 2008</u> | <u>June 17, 2008</u> |
| Second | _____ | _____ |
| Third | _____ | _____ |
| Fourth | _____ | _____ |
| Fifth | _____ | _____ |
| Sixth | _____ | _____ |

VOTE: Aye: Brian, Schouten, Strader Nay: _____

Recording Secretary: Marian Larkin Date: June 17, 2008

Community Development Code Section 215 ENFORCEMENT, as last amended by Exhibit 5 of Ordinance 669 and by Exhibit 11 of Ordinance 577, is replaced in its entirety with the following:

215 CODE COMPLIANCE

215-1 No person shall engage in or cause to occur any development; erect, construct, reconstruct, alter, maintain, use or transfer any building or structure; or alter, use or transfer any land in violation of the Comprehensive Framework Plan including but not limited to this Development Code or the applicable Community Plan.

215-2 No building or development permit shall be issued unless it has first been determined whether there are existing violations on the property. A building or development permit may be denied where there is an existing violation or may include a condition addressing any existing violation. In addition to any other materials required by law, applications for building permits shall be accompanied by a valid Development Permit or a statement specifying the applicable exemption.

215-3 Voluntary Compliance

Washington County's first preference regarding code enforcement is voluntary compliance.

215-3.1 Voluntary Compliance Agreement

The County may, in its sole discretion, enter into a written voluntary compliance agreement with a respondent before or after a citation is issued. The agreement shall include the required corrective action, time limits for compliance and shall be binding.

The fact that a person alleged to have committed a violation enters into a voluntary compliance agreement shall not be considered an admission of having committed the violation for any purpose.

The County will delay further processing of the alleged violation during the time allowed in the voluntary compliance agreement for completion of the required corrective action. The County shall take no further action concerning the alleged violation if all terms of the voluntary compliance agreement are satisfied, other than steps necessary to terminate the proceedings against respondent.

215-3.2 Failure to Comply with Voluntary Compliance Agreement

Failure to comply with any term of the voluntary compliance agreement constitutes a separate violation, and shall be handled in accordance with the procedures established by Chapter 14.16 of the Washington County Code, except no further notice after the voluntary compliance agreement has been signed need be given before further enforcement proceedings are initiated. The County may also proceed on the alleged violation that gave rise to the voluntary compliance agreement.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

215-4 Prosecution of Violations

Violations of the Comprehensive Framework Plan including but not limited to this Development Code and any applicable Community Plan will be prosecuted as provided under Chapter 14.16 of the Washington County Code

abcdef Proposed additions
~~abcdef~~ Proposed deletions



WASHINGTON COUNTY, OREGON
Department of Land Use & Transportation
Land Development Services Division
155 N First Avenue, Suite 350, MS 13
Hillsboro, OR 97124-3072

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JUN 20 2008
MAILED FROM ZIP CODE 97123

ATTN: PLAN AMENDMENT SPECIALIST
Dept. of Land Conservation and
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540